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June 7, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Fl. 2
Boston, Massachusetts 02110

**Re: D.T.E. 01-20 – Unbundled Network Elements and
Avoided Cost Discount for Resale Services**

Dear Ms. Cottrell:

In accordance with the schedule established by the Hearing Officer, Verizon Massachusetts (“Verizon MA”) files this letter in response to the CLEC Coalition’s¹ May 30, 2001 Motion for Extension of Time to File Rebuttal Testimony (“CLEC Coalition Motion”). The Hearing Officer’s ruling of June 5, 2001 also stayed the existing schedule, pending resolution of the CLEC Coalition Motion. In lieu of specific comments on the CLEC Coalition Motion, Verizon MA takes this opportunity to comment on the remainder of the procedural schedule, including the filing date for rebuttal testimony.

The next deadline in the procedural schedule is the submission of rebuttal testimony. Verizon MA believes that such testimony should not be filed until two weeks after the first round of discovery has been substantially completed. One of the purposes for discovery in a case of this magnitude, is to assist in the preparation of rebuttal testimony. The ability to rebut an initial filing is predicated on one party’s understanding of the other party’s case. As of this date, Verizon MA has received a total of 23 sets of information requests, which include 455 separate questions, many of which include numerous sub-parts. Responding to the information requests has required extensive analysis and the expenditure of significant resources, which is reflected in the often-voluminous size of the responses. Despite the best efforts of Verizon MA, inevitable delays have occurred in the preparation of many responses. This is not surprising, given the expansive scope of the case and the magnitude of the initial filing made by Verizon MA. The cost studies submitted in this case by Verizon MA establish forward-looking costs for Verizon

¹ The CLEC Coalition is composed of Allegiance Telecom of Massachusetts, Inc., Covad Communications Company, El Paso Networks, LLC and Network Plus, Inc.

MA's entire network, and the information requests touch on virtually every aspect of its operations. AT&T also has made a substantial filing, which has engendered information requests from Verizon MA. Verizon MA has serious concerns about the responsiveness of many of AT&T's responses and will work with AT&T to resolve discovery disputes. However it is possible that both Verizon MA and AT&T could seek the Department's assistance in resolving disagreements about discovery.

Accordingly, Verizon MA proposes that the Department establish the intervals noted below for each remaining activity. As the schedule progresses, the Department can then establish specific dates.²

Proposed Schedule

Rebuttal Testimony	Two weeks after completion of discovery
Discovery on Rebuttal Testimony	Ends two-to-four weeks after submission of rebuttal testimony
Surrebuttal Testimony	One week after end of discovery
Evidentiary Hearings	Begins one week after surrebuttal and is spread over a four-week period
Initial Briefs	Four weeks after end of evidentiary hearings
Reply Briefs	Four weeks after the initial briefs.

Most of the elements and timeframes of this schedule are consistent with the existing schedule, with a few adjustments. First, the initial schedule did not contemplate discovery on rebuttal testimony. Verizon MA believes that such discovery is essential to all parties. Rebuttal testimony will constitute the initial filing for some parties and will represent the first opportunity for all parties to present direct criticism of Verizon MA's and AT&T's initial submissions. It is essential to the preparation of a full and clear record for the Department's review, that all parties have the opportunity to understand and seek information about these submissions. Accordingly, a two-to-four week discovery period has been included in the proposed schedule, with the length of time dependent on the magnitude of the rebuttal testimony submitted.

The Department's initial schedule contemplated three weeks of evidentiary hearings. Although three weeks of hearing days may be appropriate, the Department should build into the schedule some "down-time" so that witnesses and counsel can properly prepare for the hearings. Adding a week to the hearing time will make the hearings more focused and efficient, and result

² Verizon MA has conferred with AT&T about the schedule changes and understands that there is substantial agreement about the need to adjust the schedule to provide sufficient time for parties to address the extremely complex issues that are presented in this case.

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in a clearer record. Finally, we propose that reply briefs be filed four weeks after the filing of initial briefs. Given the comprehensive nature of this proceeding and the number and size of initial briefs likely to be filed, it is essential that the parties have sufficient time to consider and respond to initial briefs. In this way, the Department will have a more cogent set of briefs that will make it possible to sort through and understand the issues presented by the parties.

Verizon MA understands the Department's desire to conclude this proceeding expeditiously, and the proposed schedule permits the case to be placed before the Department for decision in late Fall. The Department's review will benefit greatly from a complete and comprehensible record and a decision can be forthcoming by the end of the year.

Sincerely,

Bruce P. Beausejour

Enclosure

cc: Tina Chin, Esquire, Hearing Officer
Marcella Hickey, Esquire, Hearing Officer
Michael Isenberg, Director, Telecommunications Division
Attached Service List